

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH J. BENZ,

Defendant.

4:13CR3121

NOTICE OF INTENT TO DESTROY
EXHIBITS

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and provides notice of its intent to destroy exhibits:

1. The United States District Court returned exhibits pertaining to Joseph J. Benz to this office on December 27, 2016. ([Filing 145](#)). The United States has maintained custody of the following exhibits from the May 23-26, 2016, bench trial: Exhibit A – SEALED, Exhibits 1A-1O - Charts regarding videos, Exhibit 5A – photo of office, Exhibit 5B – photo of office, Exhibit 5C – photo of computer, Exhibit 5D – photo of computer screen, Exhibit 5E - Photo of Computer Screen showing uTorrent Application, Exhibit 5F - Photo of Computer Screen showing uTorrent file sharing, Exhibit 5G - Photo of Computer Screen showing uTorrent file sharing - close up, Exhibit 5H - Photo of Computer Screen showing uTorrent file sharing – close up, Exhibit 7 - Dr. Newring Report – 7-22-14, Exhibit 8 - Dr. Newring Report – 3-5-15, Exhibit 9 - Dr. Boutwell Report – 10-6-15, Exhibit 10 - Dr. Newring Report – 11-10-15, Exhibit 11 - Health Records of Dr. Benz, Exhibits 17-19 – Scout Master Training Attendance Reports, Exhibit 20 - Curriculum Vitae of Dr. Dia Boutwell, and Exhibit 21 – RESTRICTED witness statement.

2. Joseph J. Benz was found guilty at a bench trial, and was sentenced on September 7, 2016. ([Filing 124](#)). The government appealed but later moved to dismiss the appeal. The Eighth Circuit Court of Appeals dismissed the appeal on December 20, 2016. ([Filing 141](#)).

The Plaintiff has maintained custody of the exhibits pursuant to NECrimR §55.1(g)(1)(B) for at least thirty (30) calendar days after the case became final and the case is no longer subject

to appellate review. If no objection is made by the Defendant within 15 calendar days, the exhibits will be destroyed without further notice.

UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Robert B. Creager, and hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: N/A.

s/ Steven A. Russell
STEVEN A. RUSSELL
Assistant United States Attorney